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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,018	12/06/2001	Peter Volz	AP9650	1949

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EXAMINER

BASTIANELLI, JOHN

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,018

Applicant(s)

VOLZ, PETER

Examiner

John Bastianelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination (RCE)

1. The RCE filed March 28, 2005 is acceptable and the claims filed March 28, 2005 are examined below.

Claim Objections

2. Claims 17-20 are objected to because of the following informalities: In claim 17, “a plug” does not make sense as “a magnet core member 6” has already been referenced and this would mean that there is another structure when these are actually the same thing. It appears that the applicant meant to say that the magnet core member is a plug as cited in the specification (page 4) Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-14, and 17-20 as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by German Publication DE 198 14 304.4.

German Publication DE 198 14 304.4 discloses an electromagnetic valve (11 “Teile”) having a magnet armature, a magnet core member, a valve seat having first and second opposing faces with the first face engaging a valve closure member, a valve housing with a valve coil and

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accommodates a valve closure member and the valve seat, wherein the valve housing has a one-piece sleeve (ferrit. Band) fabricated from a unitary piece of material having a uniform cross-section throughout and the one-piece sleeve includes a sidewall portion extending from a bottom portion, wherein said bottom portion abuts the second face of the valve seat and wherein the sidewall portion of the one piece sleeve has a stepped portion that accommodates a ring filter and a retaining collar (rostfreies ferrit. Band) fabricated from a second unitary piece of material having a uniform cross-section throughout, wherein the retaining collar is fixedly attached to the valve housing. The armature is a stepped piston attached to the valve closure member. A plug (the magnet core member) resides in the sidewalls of the one-piece sleeve, closes the opening, is not movable, and has a ring seal surrounds the one-piece sleeve.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication DE 198 14 304.4 in view of Oshita et al. US 5,577,322.

German Publication DE 198 14 304.4 (11 Teile) lacks the one-piece sleeve fixed to the retaining collar by welding or expanding. Oshita discloses a sleeve 14 welded 32 to a retaining collar 28 which is seen as expanding due to the heat involved. Claims 15 and 16 are considered product by process as only the process is claimed. The patentability of a product does not depend on its

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method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fix the one-piece sleeve to the retaining collar by welding or expanding in order to have a more secure fit in the valve housing.

Response to Arguments

7. No arguments were given.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Bastianelli
Primary Examiner
Art Unit 3751



JB

May 11, 2005